UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _19 April 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-21_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-21_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the application filed on April 19, 2004. Claims 1-10

are pending. Claims 1-21 represent universal recallable, erasable, secure and timed

delivery email. Examiner omitted to consider the preliminary amendment submitted on

September 19, 2006. Examiner is including the preliminary amendment, and is honoring

the request of Applicant by sending a non-final Office Action.

2.   *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or

described as set forth in section 102 of this title, if the differences between the

subject matter sought to be patented and the prior art are such that the subject

matter as a whole would have been obvious at the time the invention was made to a

person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Thorne et al. U.S. 5,958,005 in view of Higley U.S. 6,065,048.

Thorne teaches the invention substantially as claimed including electronic mail

security (abstract).

As to claims 1, 8, 10, 11 and 17, Thorne teaches a process, a method and a

system for secure and timed delivery of recallable and erasable email comprising:

a sender preselecting with sender's hypertext transport protocol server the

sender's preferences for the number of times his emails will be displayable and for the

length of time his emails will remain active and available for viewing (column 7, line 66

to column 8, line 12),

a sender's mail user agent creating and sending an email to a sender's modified

mail transport agent, said sender's modified mail transport agent preprocessing said

email by taking the body from the email and creating and storing an image of the body

on a file system and then creating a link to the image that is inserted back into the

email as a replacement for the body of the email to form a modified email (column 3,

lines 12-23),

sender's modified mail transport agent creates an entry for the email in a data

base containing the body of the email and time saved along with the sender's

preselected preferences and a blank field for recording the time the email is first

displayed (column 3, lines 36-46),

sender's modified mail transport agent sending the modified email to a recipient's

mail transport agent where the modified email is stored awaiting recipient's

request, recipient's mail user agent requesting and receiving said modified

email from recipient's mail transport agent (column 9, lines 54-67),

the data base recording the time the email is first displayed and counting down

on the counter for the total number of times the email is displayable (column 3, lines

36-46; column 7, line 66 to column 8, line 12),

the image displayed for the recipient (figure 5B, item 546).

Thorne fails to teach explicitly mail user agent, mail transport agent or hypertext

transport protocol server.

However, Higley teaches method and system to create, transmit, receive and

process information, including an address to further information. Higley teaches mail

user agent, mail transport agent or hypertext transport protocol server (figure 2, items

206, 208; column 3, lines 19-30).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Thorne in view of Higley to provide mail user agent,

mail transport agent or hypertext transport protocol server, recipient executing the link

contained in the modified email to request the image of the body of the email

from sender's hypertext transport protocol server, and sender's hypertext transport protocol server obtaining the image and sending the image to the recipient. One would be motivated to do so to allow connecting to servers on the web.

As to claim 2, Thorne and Higley teach a process for secure and timed delivery of recallable and erasable email according to claim 1 wherein sender's mail user agent employs a secure transmission in sending the email to the sender's modified mail transport agent, and sender's hypertext transport protocol server employs a secure transmission in sending the image to the recipient (column 12, lines 3-16).

As to claim 3, Thorne and Higley teach a process for secure and timed delivery of recallable and erasable email according to claim 2 wherein the step of said sender's modified mail transport agent preprocessing said email to create a modified email that has had a link to a stored image of the body from the email substituted for the body of the email further comprises:

sender's modified mail transport agent strips the body from the email and creates an image file of the body and stores the image file on a file system, sender's modified mail transport agent creates an entry for the email in a data base, and sender's modified mail transport agent creates a link to the stored image and substitutes the link in the email for the body of the email thereby creating a modified email (column 3, lines 12-23).

As to claim 4, Thorne and Higley teach a process for secure and timed delivery of recallable and erasable email according to claim 3 wherein the entry created in a data base by the sender's modified mail transport agent for the email further comprises: the body of the email, the time the email was saved, a field for recording the time the email is first displayed, a counter that is set for the total number of times the email is displayable, and the removal time (column 7, line 66 to column 8, line 12).

As to claim 5, Thorne and Higley teach a process for secure and timed delivery of recallable and erasable email according to claim 4 further comprising the following steps which occur after the step of executing the link contained in the modified email to request the image of the body of the email from sender's hypertext transport protocol server:

sender's hypertext transport protocol server receives the request for the image from the recipient, and the data base records the time the email is first displayed and counts down one numeral on the counter for the total number of times the email image is displayable (column 7, line 66 to column 8, line 12; column 3, lines 59-67).

As to claims 6, 7 and 9, Thorne and Higley teach a process for secure and timed delivery of recallable and erasable email according to claims 5 and 8 further comprising the following steps which can occur at any time:

sender logs onto the website for sender's hypertext transport protocol server,

sender views all active emails that he has sent and the status of each, sender edits his

active emails and edits his preferences, the sender's hypertext transport protocol

server overwrites the original image files and original content of the email and changes

sender's preferences, and sender logs off of the website (column 7, line 66 to column

8, line 12).

As to claims 12 and 18, Thorne teaches the method and the system of claims 11

and 17, comprising: opening the modified email (figure 5A, item 512); and executing the

link so that the body is transmitted (figure 5A).

As to claim 13, Thorne teaches the method of claim 11, wherein the steps of

claim 11 are performed by a sender and the steps of claim 12 are performed by a

receiver (column 6, lines 1-8; column 12, lines 3-11).

As to claims 14 and 19, Thorne teaches the method and system of claims 11 and

17, comprising deleting the body (column 11, lines 21-24).

As to claims 15 and 20, Thorne teaches the method and system of claims 11 and

17, comprising modifying the body (column 11, lines 21-24).

As to claims 16 and 21, Thorne teaches the method and system of claims 11 and 17, comprising limiting a number of times the body can be transmitted (column 12, lines 3-11)

4.   **Citation of Relevant Prior Art**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art: US 6941348; US 6490614; US 6865671; US 7047248.

5.   *Conclusion*

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.
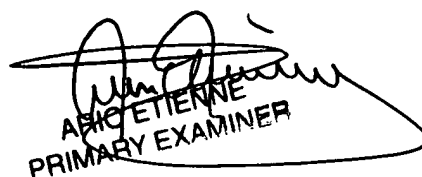
In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

El Hadji Sall
Patent Examiner
Art Unit: 2157

ARIO ETIENNE
PRIMARY EXAMINER